

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Dwight Xavier Jones,)	
)	C.A. No.: 0:11-122-RBH
Plaintiff,)	
)	
vs.)	ORDER
)	
Fulton Casey Dale Cornwell, Lexington)	
County Public Defenders Office; James)	
R. Metts, Lexington County Sheriffs)	
Department; Co Mrs. Thomas, Lexington)	
County Detention Center; William P.)	
Keesley, Lexington County Judicial)	
Center,)	
Defendants.)	

Plaintiff, a state prisoner proceeding pro se, brought this action pursuant to 42 U.S.C. § 1983. This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Paige J. Gossett, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to the court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's report to which objections have been filed. *Id.* However, the court need not conduct a *de novo* review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a timely filed, specific objection, the Magistrate Judge's conclusions are reviewed only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

On March 24, 2011, the plaintiff filed a letter (Docket Entry # 17) which the court will attempt to construe as objections to the Report and Recommendation.¹

Plaintiff's letters fail to direct the court's attention to a specific error in the Magistrate Judge's Report and Recommendation. Therefore, this Court is of the opinion that the plaintiff's filings do not satisfy the specificity requirement of Rule 72(b) of the Federal Rules of Civil Procedure.² Plaintiff's filings are simply a rehash of some of the allegations of the complaint. Nowhere do they address the recommendations by the Magistrate Judge that the Complaint fails to state a claim against defendants Cornwell, the public defender, and Keesley, a Circuit Judge.

¹ Plaintiff has also filed two other letters regarding this matter which the Court has reviewed. (Docket Entry # 22 and # 29).

²Rule 72(b) states:

Within 14 days after being served with a copy of the recommended disposition, a party may serve and file **specific, written objections to the proposed findings and recommendations.** . . . The district judge must determine *de novo* **any portion of the magistrate judge's disposition that has been properly objected to.**

Fed. R. Civ. P. 72(b) (emphasis added).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is

After a thorough review of the Report and Recommendation and the record in this case, the court overrules all objections, adopts Magistrate Judge Gossett's Report and Recommendation, and incorporates it herein. It is therefore

ORDERED that the Complaint is dismissed without prejudice and without issuance and service of process as to Defendants Fulton Casey Dale Cornwell and William P. Keesley. Process shall issue for service on Defendants James R. Metts and Co Mrs. Thomas.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
April 27, 2011